

Arizona Developmental Disabilities Planning Council Bylaws

Revised

Approved by the ADDPC on July 29, 2011

I. **NAME**

Arizona Developmental Disabilities Planning Council is established by Executive Order, 2009-08, by Governor Janice K. Brewer.

II. **PURPOSE**

The purpose of the Arizona Developmental Disabilities Planning Council (~~"the Council"~~) (ADDPC), authorized under Subtitle B of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act, Public Law 106-402), is to engage in advocacy, capacity building and systemic change activities that contribute to and assure that a coordinated, consumer and family-centered, consumer and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated in all

facets of community life [DD Act, Section 121(1-2)]¹

III. **STRUCTURE**

A. The membership of the ~~Developmental Disabilities~~
~~Planning Council~~ ADDPC shall be structured to meet
requirements of the Developmental Disabilities
Assistance and Bill of Rights Act of 2000.

1. Not less than 60 percent of the membership of each
Developmental Disabilities Council shall consist of
individuals who are:
 - a. Individuals with developmental disabilities;
 - b. Parents or guardians of children with
developmental disabilities; or

¹ Developmental disability is defined by the Council as a severe, chronic disability of an individual that a) is attributable to a mental or physical impairment or combination of mental and physical impairments; b) is manifested before the individual attains age twenty-two; c) is likely to continue indefinitely; d) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, economic self-sufficiency; and, e) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

- c. Immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.
 - d. Not employees of a State agency that receives funds or provides services under Subtitle B of the Developmental Disabilities Assistance and Bill of Rights Act and who are not managing employees of any other entity that receives funds or provides services under Subtitle B of the Developmental Disabilities Assistance and Bill of Rights Act.
- 2. Of the members identified in Section 125 3(A), 1/3 shall be individuals with developmental disabilities, 1/3 shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities, and 1/3 shall be a combination of these individuals.

3. Of the members identified in Section 125 3(A), at least 1 of these members shall be an immediate relative or guardian of an individual with a developmental disability who resides in or previously resided in an institution or shall be an individual with a developmental disability who resides in or previously resided in an institution.
4. Each **Developmental Disabilities** Council shall include representatives of relevant State entities, including:
 - a. State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and titles V and XIX of the Social Security Act (42 U.S.C. 701 et seq. and 1396 et seq.);

- b. University Centers of Excellence in developmental disabilities (University of Arizona and Northern Arizona University);
- c. The State protection and advocacy system for persons with developmental disabilities (Arizona Center for Disability Law and the Native American Center for Disability Law); and
- d. Representatives, at all times, of local and non-governmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located.

B. Appointments

- 1. Members of the Council ADDPC shall be appointed and serve at the pleasure of the Governor, as defined in the DD Section 125(b)(1)(A).

2. Members of the Council ADDPC shall serve staggered three-year terms.
3. The Council ADDPC Chairperson shall forward recommendations for appointments and reappointments to the Governor's Office. When a position becomes vacant on the Council ADDPC because of a resignation or termination, the Governor's Office of Boards and Commissions must be notified by the ADDPC Executive Director as authorized by the Chairperson. ~~and~~ The Director of Boards and Commissions has the responsibility of recommending an individual to the Governor to fill this the vacancy. The Council ADDPC Chairperson and/or Council ADDPC members do not have the authority to recommend unless asked to do so by the Director of the Governor's Office, Boards and Commissions.

C. Responsibilities of Members

1. Members are expected to attend all meetings in person, by teleconference or by video conference, at a site convenient or most proximate to their work or home; and have meeting materials with them for participation; however, if circumstances arise that conflict or an excused absence is given prior to a scheduled Council ADDPC meetings, it is expected that the member contact the Executive Director or staff of the Council ADDPC to inform them in advance of the meeting whenever possible of the necessary absence.
2. Members are expected to participate in any activities and deliberations, including field visits, at the request of the Chairperson.
3. Each member shall recuse themselves from the appearance of a conflict of interest, shall not

participate in the discussion and shall excuse themselves from the meeting. This would apply to any agenda item, including grants or contracts for which such representatives' departments, agencies, or programs are grantees, contractors or applicants, [DD Act Section 124(c)(5)(D) and Section 125 (b)(4)(B)(ii)].

4. Member shall serve on at least one standing committee. See Section III(C)(F) of these bylaws.
5. Members shall notify the Executive Director or staff of the ~~Council~~ ADDPC when unable to attend Council-**ADDPC** meetings, including meetings of standing committees on which they serve. Without proper notification, the Chair**person** may forward a recommendation to the Governor, for the termination of such member from the ~~Council~~ **ADDPC**.

6. The Council shall recruit and hire an Executive Director of the Council **ADDPC**, should the position of the Executive Director become vacant. The Council **ADDPC** shall supervise and annually evaluate the Executive Director. Decisions regarding the selection and termination of the Executive Director shall be made by majority vote of the full Council **ADDPC** and shall be in conformity with the laws of the State of Arizona [DD Act Section 125 (b)(9)].
7. Members shall serve as a link between the Council **ADDPC** and its consumers.
8. Members shall establish and/or approve policy, and monitor the implementation of policy direction.
9. Members shall participate in the development and approval of a Five Year State Plan, identifying and authorizing priorities for funding, and monitoring

implementation of priorities.

10. Members shall approve the ~~Council's~~ ADDPC annual budget, and monitor financial management of the ~~Council~~ ADDPC.

11. Members shall ascribe to the Executive Director, spending authority in accordance with the ~~Council's~~ ADDPC approved Administrative Budget, for purposes of maintaining ~~Council~~ ADDPC staff to support ~~Council~~ ADDPC business. The Executive Director shall have spending authority of up to \$5000 per expenditure as defined by policy and approved by the full ~~Council~~ ADDPC. Administrative expenditures made by the Executive Director will be documented and approved by the ADDPC Fiscal Manager to conform with all requirements established by state and federal law. The Executive Director will provide a quarterly accounting of all expenditures to the Grant/Budget Standing

Committee, which in turn will report to the full ADDOC meeting on a quarterly basis.

D. Council Officers

~~Council~~ ADDPC officers shall consist of the ~~Council~~ ADDPC Chairperson and the ~~Council~~ ADDPC Vice-Chairperson, as appointed by the Governor. ~~Council~~ ADDPC Chairperson and Vice-Chairperson serve at the pleasure of the Governor.

E. Responsibilities of Officers

1. The Chairperson shall:
 - a. Call and preside over all full ~~Council~~ ADDPC meetings.
 - b. Call special meetings, when necessary.
 - c. Develop the agenda for full ~~Council~~ ADDPC meetings with the assistance of the

Executive Director and Council ADDPC staff.

d. Serve as an ex-officio member of all standing committees and special (ad-hoc) committees.

e. Serve as an official spokesperson for the Council ADDPC.

f. Ensure that members are informed of all pertinent information concerning developmental disabilities.

g. Supervise preparation of reports of the Council ADDPC as appropriate.

h. Coordinate the annual evaluation of the Council's ADDPC Executive Director.

2. The Vice-Chairperson shall act on those activities as assigned by the Chairperson, including the performance of all duties of the Chairperson in the Chairperson's absence.

F. Standing Committees

1. The Council ADDPC Chairperson or Vice-Chairperson may appoint Council ADDPC members to serve on any standing committee or special (ad-hoc) committee. A special committee shall be those committees that are formed to address a specific purpose and are time limited in nature and intent. A standing committee shall be those committees, as established by the Chairperson, to address the goals and objectives of the Council's ADDPC five-year plan.
 - a. The Council ADDPC Chairperson shall appoint the Chairpersons of the standing or special committees.

- b. Members shall serve on at least one standing committee.
- c. The ~~Council~~ ADDPC Chairperson may appoint non-Council ADDPC members to sit on Council ADDPC standing committees for educational purposes only, but only Council ADDPC members may vote on standing committee matters.

2. The ~~Council's~~ ADDPC standing committees are:

- a. Administrative / Planning Standing committee shall be charged with the following tasks:
 - 1. Annual evaluation of the Executive Director performance.
 - 2. Five Year State Plan development and annual review of goals and objectives.
 - 3. Annual review of ~~Council~~ ADDPC Bylaws.
 - 4. Review of policies and procedures governing

the actions and functions of the Council.

5. Other Administrative functions, as necessary to support the Council **ADDPC** activities, and as prescribed in the DD Act of 2000.

- b. Grants/ **Budget Review**— Standing committee shall be charged with the following tasks:
 1. Abide by Title 41, Chapter 23 of Arizona Revised Statutes, State Procurement Code.
 2. Award any grant in accordance with the competitive grant solicitation requirements of Title 41, Chapter 24 of Arizona Revised Statutes, Solicitation and Award of Grants.
 3. With Council **ADDPC** staff, prepare any Request for Proposals, Interagency Service Agreements or Intergovernmental Agreements, that support the Council's **ADDPC** Five Year State Plan.
 4. Meet as needed, either in person, by

teleconference or by video conference, to facilitate and speedily process Request for Proposals, Interagency Service Agreements or Intergovernmental Agreements to ensure that Council ADDPC appropriations are made in compliance with time frames set forth in the DD Act grant award cycles by the Administration on Developmental DisabilitiesDisabilities.

- c. Public Policy Standing Committee shall be charged with the following tasks:
1. Review and analysis of all public policy issues impacting individuals with developmental disabilities and their families.
 2. Responsible for the Council ADDPC presence in the community, to educate and advocate for the supports and needs of individuals with developmental disabilities

and their families.

3. The ADDPC will maintain an Executive Committee for the purpose of dealing with urgent or time sensitive issues that require a response on behalf of the full Council ADDPC .

The Executive Committee will convene when decisions are necessary but cannot be obtained from the full Council ADDPC due to not being able to assemble the Council members on a timely basis.

- a. The use of the Executive Committee will be limited to the following situations:
 - 1. Urgent personnel issues requiring immediate action.
 - 2. Review and approval/disapproval of Requests for Grant Applications, Interagency Service Agreements, or Intergovernmental Agreements or other grant proposals necessary to comply

with state procurement rules and for obligating and liquidating financial allocations within set time frames.

3. All other urgent matters affecting the functions and activities of the ~~Council~~ ADDPC that must be addressed prior to the next scheduled full ~~Council~~ ADDPC meeting.

b. The Executive Committee will be comprised of the following ~~Council~~ ADDPC representatives:

1. Chairperson of the ~~Council~~ ADDPC.
2. Vice-Chairperson of the ~~Council~~ ADDPC.
3. Chairperson or Co-Chairperson of the Administrative/Planning Standing Committee.
4. Chairperson of the Grants/ Budget Standing Committee.
5. Chairperson of the Public Policy Standing Committee.

IV. PROCEDURES

A. ~~The Developmental Disabilities Planning Council~~

ADDPC shall hold all meetings in accordance with the Open Meeting Law of the State of Arizona, Arizona Revised Statutes §38-431- 431.09.

B. Quorum

A quorum is defined as one more than half of the voting members of the full Council **ADDPC counting** including the number of **all filled and** vacant positions. The total number of ~~Council~~ members represented on the **ADDPC** is twenty-three.

1. A quorum for the Full ~~Council~~ **ADDPC** meeting is defined as having 13 or more members present at the meeting.

2. In order to ~~vote~~ **take action** on approved agenda items during any ~~Council~~ **ADDPC** meetings, one half, plus one of the voting members must be

present.

3. During any ADDPC public meeting, an ADDPC member may be disqualified from voting on specific agenda items if a conflict of interest exists. When disqualification occurs, the member(s) affected may no longer be counted in maintaining a quorum.
4. During any ADDPC public meeting, members removing themselves from the meeting either temporarily (including telephone calls, bathroom breaks) or due to early departure, will not be counted in maintaining a quorum.
5. During any ADDPC public meeting when a quorum is not attained or lost during the course of the meeting, the meeting will immediately adjourn and discontinue any activities related to business of the ADDPC until a quorum can be regained or a new public meeting is scheduled.

C. Voting

All decisions shall be made by majority vote of a quorum of the members of the full ~~Council~~ ADDPC, standing committee, or special committee. The Chairperson shall have the final vote if a tie is reached by the members of the full ~~Council~~ ADDPC

D. Meetings

1. The ~~Council~~ ADDPC shall meet at least quarterly, or as determined by the Chairperson. All meetings shall be held in compliance with the Open Meeting Law of the State of Arizona, Arizona Revised Statutes §38-431 - 431.09.

2. Minutes shall be kept of all full ~~Council~~ ADDPC, standing committee and special committee meetings. Such minutes shall be posted on the ADDPC website and made available to the public upon request, in compliance with the Open Meeting

Law of the State of Arizona, Arizona Revised Statutes
§38-431.01(B) and §38-431.01(D).

3. Unless otherwise noted in the bylaws, the Council will follow Robert's Rules of Order Newly Revised (see Robert's Rules of Order Newly Revised, 10th Edition).

E. Executive Session

Executive Session means a gathering of a quorum of members of a public body from which the public is excluded for one or more of the reasons prescribed in the Open Meeting Law of the State of Arizona, Arizona Revised Statute §38-31.03. In addition to the members of the ~~public body~~ ADDPC, officers, appointees and employees as provided in A.R.S. §38-431.03 and the auditor general as provided in A.R.S. §41-1279.04, only individuals whose presence is reasonably necessary in order for the ~~public body~~ ADDPC to carry out its executive session responsibilities may attend the executive session.

1. Before ~~a public body~~ **the ADDPC** may go into executive session, a majority of the members constituting a quorum must vote in a public meeting to hold the executive session, as stated in A.R.S. §38-431.03(A).

2. Once the majority of members of the ~~public body~~ **ADDPC** has voted to hold an executive session, the chairman **person** of the ~~public body~~ **ADDPC shall** ask the public to leave and remove all materials such as briefcases and backpacks to ensure that no recording devices have been left in the room. All persons must leave the meeting except the members of the ~~public body~~ **ADDPC** and those individuals whose presence is reasonably necessary for the public body to carry out its executive session responsibilities.

6. The chairman **person** should remind all present that the business conducted in executive sessions

is confidential pursuant to A.R.S. §431.03(C).

7. In executive session, the ~~public body~~ ADDPC may discuss and consider only the specific matters authorized by the statute. Furthermore, the ~~public body~~ ADDPC may not take a vote or make a final decision in the executive session, but rather must reconvene in a public meeting for purposes of taking the binding vote or making final decisions. Taking a straw poll or informal or preliminary vote in executive session is unlawful under Open Meeting Law, A.R.S. §38-431.03(D).

8. The Open Meeting Law permits only seven categories of topics to be discussed in executive session, per A.R.S. §38-431.03

1. Personnel discussions
2. Confidential records
3. Legal advice

4. Litigation, contract negotiations, and settlement discussions
5. Employee salary discussions
6. International, interstate, and tribal negotiations
7. Purchase, sale, or lease of real property

V. ETHICS/CONFLICT OF INTEREST

~~Council~~ ADDPC members shall abide by and follow State of Arizona Conflict of Interest, Arizona Revised Statutes §38-501-511. ~~Council~~ ADDPC members have an obligation to avoid conflicts of interest or any appearance of conflicts between their personal interests and the interests of the ~~Council~~ ADDPC.

Conflicts of interest may often relate to situations where a member uses influence with the ~~Council~~ ADDPC for personal gain. ~~Council~~ ADDPC members should only speak publicly on behalf of the ~~Council~~ ADDPC when authorized. When speaking publicly on behalf of the ~~Council~~ ADDPC members must represent the ~~Council's~~ ADDPC interests and not their own.

At the beginning of each full ~~Council~~ ADDPC, standing and

special committee **meeting**, ~~Council~~ members will individually disclose their identified conflict of interest. All attendees will have their verbal responses recorded in the minutes, if identifying a conflict.

A. All ~~Council~~ **ADDPC** members are prohibited from:

1. Using their position as ~~an Council~~ **ADDPC** member to give any person, organization, or entity special advantage over anyone else.
2. Personally profiting from ~~Council~~ **ADDPC** activities.
4. Disclosing or using information obtained by virtue of their position with the ~~Council~~ **ADDPC** to give special advantage to any person, organization or company.
5. Allowing or appearing to allow conflicts of interest to affect their judgment of the operations of the ~~Council~~ **ADDPC**.

6. Engaging in activities that either create or give the appearance of conflict of interest.
7. Casting a vote on any matter that would provide direct financial benefit to the members or otherwise give the appearance of a conflict of interest (*DD Act* Section 124(c)(5)(D).

VI. MEMBER STIPENDS & REIMBURSEMENTS

ADDPC members may be eligible for payment of a stipend in accordance with ADDPC policy, if the member is not employed or must forfeit wages from other employment to attend ADDPC meetings and/or perform other ADDPC duties.

ADDPC members may be eligible for reimbursement of reasonable and necessary expenses (including expenses for personal assistance) in accordance with existing ADDPC policies, when attending ADDPC meetings and/or performing other ADDPC duties.

VII. AMENDMENTS TO THE BYLAWS

The bylaws of the ADDPC may be amended at any time.

Amendments to the bylaws must be submitted to all members of the Council ADDPC at least seven days prior to any full Council ADDPC meeting in which the bylaws will be reviewed and voted upon. Amendments to the bylaws may be offered up to the Chairperson and Executive Director for consideration.